

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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IVAN ESCOBAR, as an individual
and on behalf of all others
similarly situated,

Plaintiff,

v.

CAPSTONE LOGISTICS, LLC, a
Delaware limited liability
company; and DOES 1 through 50,
inclusive

Defendants.

No. 2:20-cv-02501-WBS-JDP

ORDER

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Plaintiff Ivan Escobar ("plaintiff") brought this
action against Capstone Logistics, LLC, asserting violations of
California Labor Code § 226(a) and California Labor Code § 2698,
and purporting to sue on behalf of himself and "[a]ll current and


1 former employees of Capstone Logistics in the state of California
2 who were paid "Premium" wages at any time between May 13, 2019,
3 through the present." (See Compl.) (Docket No. 1, at Ex. 1.)

4 Defendant Capstone Logistics removed the case to this
5 court asserting original jurisdiction under 28 U.S.C. §
6 1332(d)(2), the Class Action Fairness Act of 2005, as well as
7 supplemental jurisdiction under 28 U.S.C. § 1367. (See Docket
8 No. 1.) Plaintiff subsequently moved to remand the case. (See
9 Mot. to Remand.) (Docket No. 7.) Defendants' opposition to
10 plaintiff's motion focused solely on why plaintiff's case should
11 remain in federal court based on the Class Action Fairness Act.
12 (See Docket No. 11.) After reviewing his arbitration agreement,
13 plaintiff filed his First Amended Complaint ("FAC") which removed
14 his class action claims and now only asserts claims under the
15 Private Attorneys General Act, California Labor Code § 2968, et
16 seq. (See generally FAC.) (Docket No. 12.)

17 Because defendants' opposition to plaintiff's motion to
18 remand focused solely on class claims that are no longer present
19 in plaintiff's First Amended Complaint, defendants are hereby
20 ORDERED to file a supplemental response to plaintiff's Motion to
21 Remand addressing whether this court has diversity jurisdiction
22 over plaintiff's claims. Defendants shall file this supplemental
23 response by February 26, 2021. Plaintiff may file a supplemental
24 reply in support of his motion by March 2, 2021.

25 IT IS SO ORDERED.

26 Dated: February 23, 2021


27 WILLIAM B. SHUBB
28 UNITED STATES DISTRICT JUDGE